



## **Legislative Guide to the Iowa Board of Parole**

### **I. Overview: What is the Board of Parole?**

The Parole Board is a five member board consisting of two full-time members (the Chair and Vice Chair) and three part-time members who review/interview and consider inmates for parole or work release. The Board also has a staff consisting of an Executive Director, two Administrative Law Judges and a number of support staff who handle anything from victim coordination to risk assessments.

The mission of the Parole Board is to protect the public. It may seem counter-intuitive that an agency charged with releasing inmates would have public safety as its paramount goal, but taking a closer look reveals that without a parole board citizens would be subjected to greater risk from former inmates. Around 95 percent of all inmates get out of prison eventually. A system of parole allows for (1) a neutral body to first make a decision whether or not an offender is ready for release, and (2) a system of community supervision and reintegration to reduce recidivism. The Iowa Board of Parole has been very successful at reducing recidivism. Of the parole revocations that occurred in fiscal year 2009 (FY 09) less than one percent<sup>1</sup> involved new in-state felonies against a person. The effectiveness of parole is discussed in more detail in section IV.

### **II. History of Parole, and Parole in Iowa**

The word parole comes from a French phrase *parole d'honneur* which means "word of honor."<sup>2</sup> It was essentially an inmate's promise to abide by the law in exchange for early release.<sup>3</sup> Parole has evolved from a system of simple early release to the comprehensive tool to evaluate an individual offender's risk, grant release and supervise the inmate in the community. Modern parole systems consist of the following components: indeterminate sentences (that is a sentence range but no requirement that the inmate serve the entire sentence), a system for granting release, post release supervision, and criteria for parole revocation.<sup>4</sup> The first state to adopt all the components of a modern parole system was New York in 1907. Iowa was also on the cutting edge of this penological paradigm shift, creating its Parole Board in 1907 as well.<sup>5</sup>

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<sup>1</sup> Iowa Board of Parole Annual Report FY 2009 pg. 1 (.9 percent).

<sup>2</sup> The Law of Probation and Parole, 2<sup>nd</sup> Edition., Neil Cohen p. 1-2, (1999)

<sup>3</sup> Parole: Then and Now, Senate Research Center p.1, (1999)

<sup>4</sup> Same as note 3, at pg. 2.

<sup>5</sup> Iowa Official Register, 1907-1908 p. 244.

### **III. How does the parole system work in Iowa?**

Annual Reviews and Interviews. Under Iowa law every offender committed to the Department of Corrections who is not serving a mandatory minimum or life sentence is entitled to an annual review of their parole eligibility. In some cases, the board wishes to interview the offender before making a release decision. The Board conducted a total of 14,686 release deliberations in 2009, down from 15,995 in FY08. These deliberations resulted in the Board's granting 3,012 paroles and 1,154 work releases. The majority of parole and work release grants were derived from case reviews rather than inmate interviews.

In FY09 the Board continued taking particular care in paroling inmates convicted of crimes against persons. While 20.5 percent of the 13,189 deliberations involving felons resulted in paroles, only 8.4 percent of those involving felonies against persons resulted in paroles. Those convicted of sex crimes were even less likely to be granted parole (3.0%).

After deliberating the parole board can refuse to grant any release, grant a parole, or grant a work release.

The parole board has many other duties, some of these include:

- Risk assessment – the BOP's risk assessment tool is an effective and objective way to measure an offender's likelihood to re-offend. All offenders have a risk assessment conducted before release.
- Victim coordination and notification – the BOP registers victims of violent crime, notifies them of upcoming interviews, and keeps all written correspondence from victims in the offender's file.
- Sex Offender Special Sentences – a person convicted of a class B or C felony (903B.1) is committed to the custody of the director of the Iowa Department of Corrections, with supervision as if on parole, for the rest of their life. Those convicted of a misdemeanor or class D felony (903B.2) are committed for a period of ten years. Special sentence paroles may include offenders incarcerated in prison, probationers, offenders serving jail time, and offenders participating in community service programs.
- Parole revocation – parolees facing revocation are constitutionally afforded an informal hearing prior to revocation. These are typically handled by an Administrative Law Judge.
- Parole revocation appeals – parolees who have had their parole revoked are entitled to appeal to the Chair of the Board.

- Executive clemency applications – The BOP reviews and makes recommendations to the Governor when an offender applies for commutation of sentence or pardon and that application is sent to the BOP from the Governor for investigation.

#### **IV. Why Parole Works**

Parole supervision enhances public safety because the parole board is a detached and neutral body that assesses the risk an offender poses, evaluates the total person and imposes appropriate supervision conditions once the release happens. In jurisdictions where offenders serve all of their sentences and walk out the door, public safety officials lose sight of them. Without help reintegrating into the community and the pressure to be a productive law abiding citizen, offenders are much more likely to re-offend. Furthermore, it may seem counter-intuitive but in states that have abolished parole, inmates have actually ended up serving shorter sentences with no supervision after release.